

Filed for intro on 01/31/2001

HOUSE BILL 273

By Davidson

AN ACT to amend Tennessee Code Annotated, Title 49, relative to elementary and secondary education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-1-102(c), is amended by deleting the second sentence and substituting the following:

No county shall have more than one (1) local public school system.

SECTION 2. Tennessee Code Annotated, Section 49-1-103(2), is amended by deleting the portion of the subdivision following the words "any county school system".

SECTION 3. Tennessee Code Annotated, Section 49-2-106, is deleted in its entirety.

SECTION 4. Tennessee Code Annotated, Section 49-2-107, is deleted in its entirety.

SECTION 5. Tennessee Code Annotated, Section 49-2-109, is deleted in its entirety.

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 2, Part 4, is deleted in its entirety.

SECTION 7. Tennessee Code Annotated, Title 49, Chapter 2, Part 5, is deleted in its entirety.

SECTION 8. Tennessee Code Annotated, Title 49, Chapter 2, Part 10, is deleted in its entirety.

SECTION 9. Tennessee Code Annotated, Title 49, Chapter 2, Part 11, is deleted in its entirety.

SECTION 10. Tennessee Code Annotated, Section 49-2-1201(a)(1), is amended by deleting the words “may be” and substituting the words “shall be”.

SECTION 11. Tennessee Code Annotated, Section 49-2-1201(a)(2), is amended by deleting the second sentence and substituting the following:

The request shall be accompanied by a proposed plan of consolidation, as hereinafter provided.

SECTION 12. Tennessee Code Annotated, Section 49-2-1201(b)(3), is amended by deleting the words and figure “one (1) year” and substituting the words and figure “six (6) months”.

SECTION 13. Tennessee Code Annotated, Section 49-2-1201(f)(1), is amended by deleting the first sentence and substituting the following:

The planning commission is authorized and directed to prepare a plan for the consolidation of such school systems.

SECTION 14. Tennessee Code Annotated, Section 49-2-1201(f)(2), is amended by deleting the word “prepared” and substituting the words “agreed to”.

SECTION 15. Tennessee Code Annotated, Section 49-2-1201(g)(2), is amended by deleting the portion of the subdivision following the words “original appointing authority” and substituting the following:

, and the commissioner is authorized to prepare a plan for the consolidation of the school systems.

SECTION 16. Tennessee Code Annotated, Section 49-2-1202, is amended by deleting the section in its entirety and substituting the following:

Section 49-2-1202. Consolidated board.

(a) Any plan of consolidation shall provide for a consolidated board of education, hereinafter sometimes called "the board," to be composed of five (5), seven (7), or nine (9) members whose terms of office shall be four (4) years.

(b)

(1) The plan shall provide for the election of five (5), seven (7), or nine (9) board members representing five (5), seven (7), or nine (9) school districts of approximately equal population, each such district board member to be voted upon and elected by the voters in the particular school district of which the board member is a bona fide resident.

(2) The plan shall create five (5), seven (7), or nine (9) school districts of approximately equal population and shall prescribe the boundaries thereof. The plan shall also provide appropriate plans for reapportionment of districts after each federal decennial census, so that members of the board may continue to be elected by or from districts of approximately equal population.

(3) Terms of office members of the board shall be staggered.

(A) To bring about such staggered terms, there shall be elected five (5), seven (7), or nine (9) members of the board at the first general election held subsequent to the adoption of the plan.

(B) At this first general election, members from even-numbered districts shall be elected to four (4) year terms and members elected from odd-numbered districts shall be elected to two (2) year terms.

(C) Subsequent to the first election, members of the board shall be elected for the full four (4) year term.

(4) All vacancies on the board shall be filled for the unexpired term at the next regular general election occurring more than thirty (30) days subsequent to the vacancy.

(A) Immediately after the vacancy occurs, the remaining members of the board shall fill the same on an interim basis by the selection of a person qualified under this part to fill the vacancy on a permanent basis.

(B) The interim member shall hold office until the vacancy is permanently filled at the next general election.

(c) Every consolidated board of education shall have all powers and duties conferred by general law upon county boards of education. The board is also authorized to do all things necessary or proper for the establishment, operation, and maintenance of an efficient and accredited consolidated school system, not inconsistent with this part or other general law.

SECTION 17. Tennessee Code Annotated, Section 49-2-1203, is amended by deleting the section in its entirety and substituting the following:

Section 49-2-1203. The plan of consolidation shall provide for a director of schools appointed as provided for in Sections 49-2-203 and 49-2-301.

SECTION 18. Tennessee Code Annotated, Section 49-2-1204, is amended by deleting subsection (a) in its entirety and by substituting the following:

(a) Any plan of consolidation shall provide for continuation of any existing local retirement system existing on the effective date of this act as well as for retirement benefits otherwise provided for any local education employees on the effective date of this act.

SECTION 19. Tennessee Code Annotated, Section 49-2-1206, is amended by deleting the section in its entirety.

SECTION 20. Tennessee Code Annotated, Section 49-3-302(14), is amended by deleting the subdivision in its entirety and substituting the following:

(14) "Local education agency" or "LEA" means the county or consolidated school district or system.

SECTION 21. Tennessee Code Annotated, Section 49-3-307, is amended by deleting subdivision (5) in its entirety.

SECTION 22. Tennessee Code Annotated, Section 49-3-362, is amended by deleting the section in its entirety.

SECTION 23. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 24. For the purpose of planning for consolidation of systems, Sections 10 through 19 of this act shall take effect July 1, 2001, the public welfare requiring it. All other sections of this act shall take effect September 1, 2004.